



Corridor Program

Congestion Relief & Bus Rapid Transit Projects

APPENDIX P7

Critical Areas of Alteration Permit-

City of Bothell

**I-405, SR520 to SR522 Stage 1
(Kirkland Stage 1)**

Request For Proposal
July 15, 2005



**Washington State
Department of Transportation**

Notice of Decision

Issue date: May 18, 2005

Proponent: Washington State Department of Transportation
600 108th Avenue SE
Suite 405
Bellevue, WA 98004

Project case number: CAP2005-00002

Project name: WSDOT I-405 Widening Project

Project location: I-405 Right of Way, Bothell, WA 98011
214th Street SE, Bothell, WA 98021

Project description: WSDOT plans to add a lane to the southbound lane of I-405 from the confluence of I-405 with State Route 522. The proposal would displace and alter existing wetland and storm water drainage located along the west side of WSDOT right of way and private property adjoining WSDOT ROW. Applicant proposes to impact approximately .307 acres of Category 3 wetland alteration for the purpose of developing the new lane. As mitigation, the applicant proposes to enhance 1.156 acres of wetlands at a separate location within the city.

Permits approved under this decision: CAP2005-00002.

Code titles applicable to this decision: Title 11, 14.

Environmental documents that evaluated the proposed project: Wetland and stream delineation and functional analysis, geotechnical report for the subject property.

Appeal rights: Pursuant to Section 11.14.005(B) BMC, the city's final decision on an application may be appealed by a party of record with standing to file a land use petition in King County superior court. Such petition must be filed within 21 days of issuance of this decision, or by 5:00 PM on June 15, 2005, as provided in Chapter 36.70C RCW.

Project Information: Project files, plans and documents are available for viewing (and copying at the requestor's cost) at the Department of Public Improvements, Dawson Building, 9654 NE 182nd Street, 98011. Please telephone (425) 486-8152 and arrange a time to view these documents prior to your visitation to the Department.

CRITICAL AREAS ALTERATION PERMIT
WSDOT I-405 Widening Project

**FINDINGS, CONCLUSIONS AND DECISION
SUMMARY OF PROPOSAL**

CASE: CAP2005-00002

APPLICANT: Washington State Department of Transportation
600 108th Avenue SE
Suite 405
Bellevue, WA 98004

LOCATION: I-405 Right of Way, Bothell, WA 98011
214th Street SE, Bothell, WA 98021

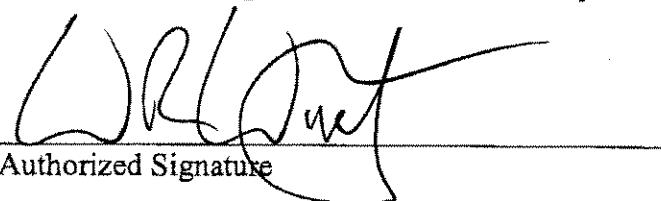
PROPOSAL: WSDOT plans to add a lane to the southbound lane of I-405 from the confluence of I-405 with State Route 522. The proposal would displace and alter existing wetland and storm water drainage located along the west side of WSDOT right of way and private property adjoining WSDOT ROW. Applicant proposes to impact approximately .307 acres of Category 3 wetland alteration for the purpose of developing the new lane. As mitigation, the applicant proposes to enhance 1.156 acres of wetlands at a separate location within the city.

ZONING: The zoning of the impact property is R9600, 9600 square feet lot size per dwelling unit. The zoning of the mitigation site is Residential Activity Center (RAC), Office Professional (OP), and Light Industrial (LI).

COMP PLAN: The comprehensive plan designation for the impacted site is R9600. The comprehensive plan designation for the mitigation site is RAC, OP & LI.

DATE: May 18, 2005
DECISION: APPROVE

William R. Wiselogle, Director of Community Development



Authorized Signature

FINDINGS

History:

The proponent applied for the Critical Area Alteration Permit on February 3, 2005. The project was deemed complete for review February 3, 2005.

Purpose:

To ensure compliance with the Bothell Municipal Code and that the proposal is in the general interest of the public's health, safety and welfare.

Proposed Use:

WSDOT plans to add a lane to the southbound lane of I-405 from the confluence of I-405 with State Route 522. The proposal would displace and alter existing wetland and storm water drainage located along the west side of WSDOT right of way and private property adjoining WSDOT ROW. Applicant proposes to impact approximately .307 acres of Category 3 wetland alteration for the purpose of developing the new lane. As mitigation, the applicant proposes to enhance 1.156 acres of wetlands at a separate location within the city.

Neighborhood Zoning (Worksite):

North: R9600 single family residence.
South: R9600 Single family residence.
East: I-405 WSDOT Right of Way.
West: Wetlands and R9600 single family residence.

Neighborhood Zoning (Mitigation site):

North: R5600A medium density residential
South: 214th St SE, Residential Activity Center, Office Professional, Light Industrial
East: Residential Activity Center, Office Professional, Light Industrial
West: Residential Activity Center, Office Professional, Light Industrial

SEPA Action

Under the provisions of Title 14.02 BMC and WAC 197-11 the SEPA Responsible Official issued a Determination of Non-Significance on March 14, 2005. One comment letter was received and a response was provided. No appeals were received.

Applicable Regulations:

Critical Area Regulations, Title 14

14.04.020 Purpose:

This ordinance provides for the regulation of alteration activities associated with development in and around critical areas. Not all alterations have negative impacts. Some are positive improvements to the site's current condition. These alterations and mitigation measures are detailed in the following report.

The Critical Area Alteration Permit permits and details the specific alteration of a site's critical areas and any mitigation necessary to minimize the impacts of the alterations. A CAP may also establish future performance requirements.

Required Special Studies:

The proponent has submitted a wetland delineation and functional value analysis. The proponent has also submitted a Critical Area Alteration and Mitigation Plan. This plan has been accepted by city staff and its peer reviewer.

Critical Area Tracts

The applicant is not required to record against the title of this property the boundary delineation of the sites' critical areas as a separate critical area tract pursuant to BMC 14.04.110. The critical areas on this site will be designated on the final site plan and signed in the field to establish their physical location and to inform users of their presence and sensitive nature.

Critical Area Alteration Permit - Criteria for Approval

A critical areas alteration permit shall be granted only if an applicant demonstrates and the community development director determines that, after application of BMC 14.04.190 through 14.04.260, alteration of a critical area or areas is unavoidable.

The application has been reviewed and assessed pursuant to the regulations regarding alteration of wetland buffers. The applicant has designed the proposed southbound lane with general respect to the site's critical areas. WSDOT Development has proposed alterations in the form of wetland buffer enhancements. These enhancements are necessary because construction of the building sites will temporarily disturb buffer areas.

These alterations are located within the buffers and are designed to minimize impacts to these buffers. The alteration of these critical area buffers is unavoidable in this context; their mitigation is appropriate.

PROPOSED ALTERATIONS

The following alterations are indicated as part of this permit.

Provide a minimum of .717 acre of Category II wetland enhancement. WSDOT proposes the creation of .136 acre new wetland and the preservation of 3.224 acre of existing wetland.

PROPOSED AND REQUIRED MITIGATION

The following mitigation is proposed and required by this permit:

The Draft Wetland Mitigation Plan (Mitigation Plan) provides a clear description of the expected impacts (0.136-acre wetland fill) and the proposed mitigation plan. The details provided in the plan, and in the construction sequencing notes on Plan Sheet 2, are appropriate for the mitigation, and the plan should result in no net loss of wetland area and an increase in wetland functions in the wetland adjacent to Crystal Creek. The plan includes 0.136 acre of wetland restoration, an additional 0.109 acre wetland creation at

the Forbes Lake site, 0.717 acre of wetland enhancement, and preservation of more than 3 acres of wetland area on the remainder of the 4.7-acre property. The BMC requires a 1:3 replacement ratio for impacts to Category 2 wetlands. Using this replacement ratio, 0.408 acre of restoration/creation would be required. The plan includes a total of 0.245 acre of restoration and creation, which leaves 0.163 acre of required mitigation area. If wetland enhancement is used for the remainder of the required mitigation the BMC requires that the ratio be doubled, which results in 0.326 acre of required wetland enhancement. The mitigation plan includes 0.717 acre of wetland enhancement, which more than compensates for the remaining required mitigation area.

CONCLUSIONS

1. As conditioned, this Critical Areas Alteration Permit application meets the intent and purpose of the BMC and conforms with the policies of the *Imagine Bothell* Comprehensive Plan and the regulations in the areas of land use, area and dimensional requirements, and critical areas impacts and alterations.
2. The CAP will not significantly impact the health, safety, and general welfare of Bothell residents or the surrounding neighborhood.

DECISION

Based on these Findings, Conclusions and Exhibits, the Bothell Director of Community Development **APPROVES** a Critical Areas Alteration Permit to allow the elimination of a insignificant wetland and the enhancement of all remaining wetlands and buffers for the creation of eight single family lots in 2, four lot short plats.

CONDITIONS OF APPROVAL

The permittee is granted a critical areas alteration permit pursuant to the following conditions of approval.

1. The permittee is granted preliminary approval of the site design as outlined on the approved plans, identified as Exhibit 2 in this case record. This decision approves the alteration and mitigation as reflected in the indicated plan.
2. Prior to issuance of a grading permit for the construction and alteration of the site's critical areas the permittee shall prepare, submit and receive approval of final alteration and mitigation plans. Such plans shall include final native species planting plan for the mitigation measure outlined in the section above titled Proposed and Required Mitigation Measures.